

- A/ 79) (New) The apparatus of Claim 72, wherein the compression and release of the bulb is through a mechanical means.
- 

### **REMARKS**

Claims 28-37 are pending in the instant application. Claims 28-37 are cancelled without prejudice. New claims 72-79 have been added. The Examiner is requested to enter the amendments accordingly.

### **The Amendments**

Claims 28-37 are cancelled and new Claims 72-79 have been added to more precisely clarify the instant invention. Support for new Claims 72-79 can be found in cancelled Claims 28-37, page 16, line 8 – page 21, line 7, and page 23, line 8 to page 25, line 2.

### **The Response**

#### ***The Information Disclosure Statement***

The Examiner states that the information disclosure statement filed on September 3, 2003 allegedly fails to include a concise explanation of the relevance of references not in the English language. Applicants will submit a supplemental information disclosure statement at a later time.

#### ***Objections to the Specification and Claims***

The Examiner states that the Applicants are required to amend the specification in regards to means plus function language and explicitly state, with reference to the terms and phrases of the claim element. The Objections to the claims and specification have been overcome in view of new claims 72-79.

Applicants respectfully point out that the specification does explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, and acts perform the function recited in the claim element. For example, the specification explicitly points out, in the case of cancelled Claim 28, that “a means for generating a positive pressure for delivering said agent” can be found in the specification in regards to the elected embodiment

disclosed in Figures 7-10, the specific description of the apparatus on page 23, line 8, to page 25, line 2. One of ordinary skill in the art would be able to find within the specification numerous other embodiments describing a means for generating a positive pressure for delivery of the agent.

However, Applicants have overcome the instant objection by canceling Claim 28 and adding new Claim 72 to more precisely define the invention. New Claim 72 removes means plus function language from the claim, with the exception of elements (d) and (e), which describe valve and bypass port means for the instant invention. These elements are well described within the specification, and would receive guidance from the specification on what type of valve and bypass port means would be necessary depending upon the condition of the orifice (see, e.g., page 17, lines 6-10). Page 18, lines 10-20 especially describe internal vent structures within the collection chamber of the instant invention that allows for external venting of gases, while simultaneously collecting orifice contents.

In view of the claim amendments, Applicants respectfully ask the Examiner to withdrawn the objections.

### ***35 U.S.C. § 102 Rejection***

The Examiner has rejected Claims 28-33 and Claims 35-37 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,398,743 to Shalit ("Shalit" patent). This rejection has been overcome in view of cancelled claims 28-37, and new Claims 72-79.

New Claims 72-79 more precisely define the invention to include a bulb, wherein an internal chamber of the bulb contains the agent for delivery into the orifice after compression of the bulb for generation of positive pressure. Shalit does not provide for such a feature, but in fact requires a storage chamber, as well as collection chamber, external to the bulb feature. See, e.g., claim 1 "(h) a pair of inlet and outlet tubes integrally joined at corresponding ends to the hand bulb at the other said location ...whereby on connection ... of said inlet tube to a source of irrigating fluid." In addition, Shalit is distinguishable from new Claims 72-79 whereby the device tip of the instant invention contains an internal collection chamber, unlike the Shalit invention that requires an external collection chamber (compare Shalit Claim 1 with Claim 72, element e of the instant application).

Therefore, in view of the claim amendments, Applicants respectfully request that the 35

U.S.C. § 102(b) rejection of Claims 28-33 and 35-37 be withdrawn.

***35 U.S.C. § 102(b) Rejection***

The Examiner has rejected Claim 28 and 34 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,801,292 to Watson ("Watson" patent). This rejection has been overcome in view of cancelled Claims 28 and 34, and new Claim 72.

New Claim 72 more precisely defines the invention to include a bulb, wherein an internal chamber of the bulb contains the agent for delivery into the orifice after compression of the bulb for generation of positive pressure. Watson is distinguishable from new Claim 72 whereby the device tip of the instant Claim contains an internal collection chamber, unlike the Watson patent that requires a collection chamber attached to the barrel 2 of the instant invention (compare Watson Claim 1 and Figures 1 and 2 with Claim 72, element e of the instant application). The location of the collection chamber is external to the device tip element, and therefore is not within the claimed invention in the amended claims.

Therefore, in view of the claim amendments, Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of Claims 28 and 34 be withdrawn.

**CONCLUSION**

Applicants believe that the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8109.

Respectfully submitted,

Dated: October 27, 2003



Albert P. Halluin, Reg. No. 25,227

Robin C. Chiang, Reg. No. 46,619

HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue, **Box No. 34**  
Menlo Park, CA 94025  
FAX No. (650) 463-8400  
Telephone No. (650) 463-8109